

## **Program C: Criminal Law and Medicaid Fraud**

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2003-2004. Objectives may be key or supporting level. The level of the objective appears after the objective number and before the objective text.

Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicators are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year of the budget document. Performance indicators may be key, supporting, or general performance information level. Key level is indicated by a "K" in the "Level" column of the standard performance indicator table. Supporting level is indicated by an "S" in the "Level" column of the standard performance indicator table. General Performance Information indicators appear in tables labeled as General Performance Information.

The continuation level performance values shown in the following standard performance tables reflect the agency's continuation budget request.

Proposed performance standards do not reflect the most recent budget adjustments implemented by the Division of Administration during development of the FY 2003-2004 Executive Budget Supporting Document. Rather, proposed performance standards indicate a "To be established" status since the agency had insufficient time to assess the full performance impacts of the final Executive Budget recommendation. As a result, during the 2003 Legislative Session, the agency will seek amendments to the General Appropriations Bill to identify proposed performance standards reflective of the funding level recommended in the Executive Budget Supporting Document.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

1. (SUPPORTING) Through the Criminal Division, to provide \_\_\_ hours of professional training for division attorneys.

Strategic Link: This operational objective is related to the program's Strategic Objective 1.2: To provide at least 8,400 hours of professional training for Criminal Program employees annually through June 30, 2006. (8,400 total by 2006)

Louisiana: *Vision 2020* Link: This operational objective could have an indirect contributory relationship, through a well-trained and qualified workforce, to Objective 3.3: "To have safe homes, schools, and streets throughout the state."

Children's Budget Link: Not Applicable

Other Link(s): Not Applicable

LaPAS PI CODE	L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
			YEAREND PERFORMANCE STANDARD FY 2001-2002	ACTUAL YEAREND PERFORMANCE FY 2001-2002	PERFORMANCE STANDARD AS INITIALLY APPROPRIATED FY 2002-2003	EXISTING PERFORMANCE STANDARD FY 2002-2003	PERFORMANCE AT CONTINUATION BUDGET LEVEL FY 2003-2004	PERFORMANCE AT EXECUTIVE BUDGET LEVEL FY 2003-2004
6248	S	Percentage of Criminal Division attorneys receiving 15 continuing legal education (CLE) hours during most recent calendar year	100%	100%	100%	100%	100%	To be established
10451	S	Number of continuing legal education hours and in-house training hours <sup>1</sup>	325	778	375	375	704	To be established

<sup>1</sup> This indicator definition has been expanded to include several areas of training that are necessary for the adequate continuing education of employees; namely, CLE hours, in-house case staffing hours, and externally provided opportunities.

For information on Criminal Division activities and functions, see the General Performance Information table that follows.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

GENERAL PERFORMANCE INFORMATION: CRIMINAL DIVISION						
LaPAS PI CODE	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES				
		PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00	PRIOR YEAR ACTUAL FY 2000-01	PRIOR YEAR ACTUAL FY 2001-02
12322	Number of cases opened	222	203	275	958 <sup>1</sup>	1,125
12323	Number of cases closed	174	169	213	543 <sup>1</sup>	777
12324	Number of recusals received	179	184	210	211	243
12324	Number of requests for assistance	43	19	65	53	52
13917	Number of investigative requests	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	14	18
13919	Number of referrals received	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	52	58
13921	Total number of consultations provided by Criminal Division	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	40	47
520	Number of extradition's processed	287	248	252	257	242
13923	Number of insurance fraud consultations	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	21	41
13924	Number of forensic exams conducted	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	4	34
12327	Number of request for opinions	28	24	23	19	21
13925	Number of habeas corpus received	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	224	254
13926	Number of complaints received <sup>3</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	2	1
12328	Number of parishes served	40	39	41	64	64
13927	Number of expungement request received	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	82 <sup>4</sup>	155

<sup>1</sup> The performance indicators " Number of cases opened" and "Number of cases closed" are showing stronger numbers due to the inclusion of all data now being tracked in the new case tracking system.

<sup>2</sup> These performance indicators are now being tracked in the new case tracking system and are made part of the performance data indicated herein.

<sup>3</sup> Complaints are now forwarded to the Investigation Division for follow-up and tacked in the Investigation Division.

<sup>4</sup> Data reflects the period of January 1, 2001 through June 30, 2001.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

2. (SUPPORTING) Through the Investigation Division, to provide at least \_\_ hours of investigative training.

Strategic Link: This operational objective is related to the program's Strategic Objective IV.1: *To improve the overall efficiency and productivity of the Investigation Division employees by enhancing the employees job knowledge, ability and career development by June 30, 2003.*

Louisiana: Vision 2020 Link: This objective is linked to Strategic Objective 1.8: "To improve the efficiency and accountability of governmental agencies."

Children's Budget Link: Not Applicable

Other Link(s): Not Applicable

LaPAS PI CODE	L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
			YEAREND PERFORMANCE STANDARD FY 2001-2002	ACTUAL YEAREND PERFORMANCE FY 2001-2002	PERFORMANCE STANDARD AS INITIALLY APPROPRIATED FY 2002-2003	EXISTING PERFORMANCE STANDARD FY 2002-2003	PERFORMANCE AT CONTINUATION BUDGET LEVEL FY 2003-2004	PERFORMANCE AT EXECUTIVE BUDGET LEVEL FY 2003-2004
6249	S	Percentage of investigative staff who participated in internal/external training sessions	100%	100%	100%	100%	100%	To be established
6250	S	Percentage of investigative staff who participated in firearms qualification session during most recent calendar year	100%	100%	100%	100%	100%	To be established
514	S	Total training hours provided for investigative staff	1,200	2,190 <sup>1</sup>	1,200	1,200	1,500	To be established

<sup>1</sup> Department sponsored training added significantly to total hours for the year.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

GENERAL PERFORMANCE INFORMATION: CRIMINAL INVESTIGATIONS						
LaPAS PI CODE	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES				
		PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00	PRIOR YEAR ACTUAL FY 2000-01	PRIOR YEAR ACTUAL FY 2001-02
12329	Number of criminal investigations initiated <sup>1</sup>	264	301	1,055	561	270
12330	Number of criminal investigations closed <sup>1</sup>	128	241	966	546	226
12331	Number of task force/joint investigations conducted <sup>1</sup>	83	139	835	39	20
12332	Number of arrests <sup>1</sup>	46	113	132	48	25
12333	Number of citizen complaints handled or resolved. <sup>2</sup>	309	258	232	248	350

<sup>1</sup> Loss of staff resulting in limited participation in task forces has resulted in a reduction in general performance data.

<sup>2</sup> Complaints now received by the Criminal Division are forwarded to the Investigation Division for follow-up resulting in increased numbers.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

3. (KEY) To maintain (0% increase from FY 2002-2003 performance standard) individual internal time frames for investigation and prosecution of criminal cases.

Strategic Link: This operational objective is related to the program's Strategic Objective I.1: To provide prompt, efficient, and just resolution of all matters referred to the Criminal Division, to promote confidence in the division from the law enforcement agencies and district attorneys with whom the division comes into contact, June 30,2003.

Louisiana: *Vision 2020* Link: This operational objective is linked to Vision 2020 Objective 3.3: "To have safe homes, schools, and streets throughout the state."

Children's Budget Link: Not Applicable

Other Link(s): Not Applicable

Explanatory Note: To assure efficiency and effectiveness, the Criminal Division and Investigation Division have established internal time frames for various investigative and prosecutorial activities. In FY 2003-2004, each of these individual internal time frames will be either maintained at FY 2002-2003 level--that is, held to the current performance standard for average time frame--or reduced below current performance standards.

LaPAS PI CODE	L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
			YEAREND PERFORMANCE STANDARD FY 2001-2002	ACTUAL YEAREND PERFORMANCE FY 2001-2002	PERFORMANCE STANDARD AS INITIALLY APPROPRIATED FY 2002-2003	EXISTING PERFORMANCE STANDARD FY 2002-2003	PERFORMANCE AT CONTINUATION BUDGET LEVEL FY 2003-2004	PERFORMANCE AT EXECUTIVE BUDGET LEVEL FY 2003-2004
6251	K	Average number of working days to begin coordination of effort between investigator and prosecutor	15	3.16 <sup>1</sup>	12	12	4	To be established
6252	K	Average number of working days for initial contact with victim(s)/ witness(es) from date of initial consultation between attorney and investigator <sup>2</sup>	8	2.28 <sup>3</sup>	8	8	4	To be established
		<b>Cooperative Disability Investigations Pilot Project:</b> <sup>4</sup>						
10453	S	Average number of working days from receipt of disability case to completion of initial review to accept or decline case	10	5.37	10	10	6	To be established
		<b>Insurance Fraud Section:</b> <sup>5</sup>						
10454	S	Average number of working days after receipt of DOI insurance fraud complaint referral to assignment of prosecutor <sup>6</sup>	5	0.414	5	5	2	To be established
13946	S	Percentage attendance of DOJ personnel at monthly information-sharing meeting of insurance industry and task force representatives <sup>7</sup>	Not Applicable <sup>8</sup>	Not Available <sup>8</sup>	100%	100%	100%	To be established
13947	S	Percentage of case consultation requests handled within 2 working days <sup>9</sup>	Not Applicable <sup>8</sup>	Not Available <sup>8</sup>	100%	100%	100%	To be established

		<b>Extraditions:</b> <sup>10</sup>						
519	S	Average number of working days to process extradition requests <sup>11</sup>	5	2	5	5	4	To be established

<sup>1</sup> Improved coordination between Attorneys and Investigators has resulted in time reductions.

<sup>2</sup> This indicator is measured from the time a case is assigned to a prosecutor until contact with the victim(s) and witness(es) as the investigator involvement is not really relevant at this stage.

<sup>3</sup> Improved efforts by attorneys and prompt action by victim/witness coordinator resulted in time reductions. In addition, a new case tracking system, new filing system, and new case processing procedures are helping with the overall case management process.

<sup>4</sup> The Cooperative Disability Investigations pilot project in the Investigations Division is an anti-fraud program of the Disability Determination Services to identify and investigate possible violations of social security disability laws through an evaluation and assessment of claimant information, claimant activities, and facilitators of disability services. The project is conducted through an interagency agreement between the Department of Justice and the Department of Social Services, Bureau of Disability Determination Services.

<sup>5</sup> Per Act 1312 of 1999, the Department of Justice (DOJ) provides legal services to the Department of Insurance (DOI) and the Louisiana State Police (LSP) Insurance Fraud Unit in the investigation and prosecution on insurance fraud cases.

<sup>6</sup> Over the past couple of years, the function of DOJ prosecutors has evolved in matters involving insurance fraud. Initially it was the intention of the DOJ to track the number of days to complete an initial review of cases to determine and then to contact appropriate District Attorneys. However, rather than referring cases to the DOJ to review and forward to District Attorneys, State Police is using DOJ prosecutors as consultants during investigations. Upon completion of investigations, they are forwarding the cases themselves directly to the appropriate District Attorneys. The DOJ prosecutors are then only reviewing and referring cases that are investigated by the DOJ investigators resulting in a substantially reduced number of cases in which they actually review and contact District Attorneys. Consequently, the DOJ has decided to replace two indicators previously reported regarding review and contacting District Attorneys with two new indicators that better reflect the workload handled by the DOJ prosecutors.

<sup>7</sup> Insurance fraud investigators attend monthly meetings of the insurance industry that support the State Insurance Task Force. Contact with the individuals at these meetings are important for training, for liaison purposes, and for information sharing. The presence of DOJ prosecutors is important to provide guidance and training to improve information collection.

<sup>8</sup> This indicator did not appear under Act 12 of 2001 and does not have a performance standard for FY 2001-2002. No performance data for this indicator are available for FY 2001-2002.

<sup>9</sup> Attorneys in the Insurance Fraud Unit receive regular phone calls for consultation from State Police investigators and DOJ criminal investigators regarding matters of insurance fraud. These consultations are an integral part of the daily work of DOJ prosecutors as they advise investigators how to proceed with a criminal investigation. These consultations may include listening to case facts to determine if a crime has been committed or validity of search and arrest warrants. Many consultations continue through the duration of the case. Each consultation is tracked.

<sup>10</sup> Extradition requests in this context do not include those cases with problems that are beyond the control of the department. For information on number of extradition request processed by the department, see the Criminal Division General Performance Information chart.

<sup>11</sup> The average number of working days does not include time during which the Criminal Division is awaiting further documentation from referring jurisdictions.

DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

4. (KEY) Through the Medicaid Fraud Control Unit (MFCU), to provide 25 training programs for state agency personnel and health care providers in the area of prevention and detection of Medicaid fraud and abuse of the infirm and initiate 4 additional proactive projects to detect abuse of the infirm and Medicaid fraud.

Strategic Link: This operational objective is related to the program's Strategic Objective III.1: Make available to the District Attorneys in the services of specialized prosecution units through June 30, 2006.

*Louisiana: Vision 2020* Link: This operational objective is linked to Vision 2020 objective 3.4: "To have a safe and healthy environment."

Children's Budget Link: Not Applicable

Other Link(s): Not Applicable

Explanatory Note: The MFCU is part of a collaborative effort to prevent and combat health care fraud and abuse. Other participants are the Governor's Office of Elderly Affairs, the Department of Health and Hospitals, the American Association of Retired Persons (AARP); the Senior Health Insurance Information Program (SHIIP) in the Department of Insurance; the U.S. Health Care Financing Administration; and area agencies on aging. Louisiana's efforts include the design of a training package and "train the trainer" approach which will enable Louisiana aging network personnel and others to assist beneficiaries understand and identify discrepancies and reporting procedures. The state plans to develop an outreach campaign using printed materials; tracking instruments; training packages and videos, and other educational material. For information on program inputs, outputs, and outcomes, see Medicaid Fraud General Performance Information table. For information on national efforts to prevent Medicaid and Medicare fraud and abuse of the elderly, see the federal Administration on Aging's web page on Anti-Fraud and Abuse Activities (<http://www.aoa.dhhs.gov/ort/default.htm>)

LaPAS PI CODE	L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
			YEAREND PERFORMANCE STANDARD FY 2001-2002	ACTUAL YEAREND PERFORMANCE FY 2001-2002	PERFORMANCE STANDARD AS INITIALLY APPROPRIATED FY 2002-2003	EXISTING PERFORMANCE STANDARD FY 2002-2003	PERFORMANCE AT CONTINUATION BUDGET LEVEL FY 2003-2004	PERFORMANCE AT EXECUTIVE BUDGET LEVEL FY 2003-2004
525	K	Number of training programs for state agency personnel and health care providers provided by MFCU	23	30	23	25	25	To be established
526	K	Number of proactive projects to detect abuse of the infirm and Medicaid fraud initiated during fiscal year	3	3	3	4	4	To be established



DEPARTMENT ID: 04B Department of Justice  
 AGENCY ID: Office of Attorney General  
 PROGRAM ID: Criminal Law and Medicaid Fraud Unit

GENERAL PERFORMANCE INFORMATION: CRIMINAL LAW AND MEDICAID FRAUD UNIT						
LaPAS PI CODE	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES				
		PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00	PRIOR YEAR ACTUAL FY 2000-01	PRIOR YEAR ACTUAL FY 2001-02
12335	Number of investigations pending from previous fiscal year	242 <sup>1</sup>	258 <sup>2</sup>	301	256 <sup>4</sup>	235
12337	Number of investigations initiated	226	228	191	185	267
12339	Number of investigations closed	204	142	235	218	193
12341	Number of prosecutions instituted	70	48	55	37	58
12343	Number of prosecutions referred to a district attorney	70	48	55	37	58
12345	Number of convictions	46	46	43	33	40
12346	Number of prosecutions pending at end of fiscal year	54 <sup>2</sup>	46 <sup>3</sup>	47 <sup>4</sup>	42 <sup>5</sup>	48
12347	Total dollar amount of collections - all sources	\$866,863	\$748,797	\$1,325,604	1,048,804	3,122,843
12348	Dollar amount of criminal court ordered restitution collected	\$711,874	\$315,996	\$508,384	410,752	458,601
12350	Dollar amount of fines collected	\$40,828	\$41,001	\$31,421	8,729	54,628
12352	Dollar amount of civil monetary penalty collected	\$22,537	\$353,535	\$187,510	299,375	426,140
12353	Dollar amount of investigation/prosecution costs collected	\$10,625	\$15,760	\$34,796	31,522	30,182
12354	Dollar amount of restitution collected administratively	\$80,999	\$22,505	\$563,493	298,426	2,153,292
12358	Total judgments obtained during fiscal year - all sources	\$1,220,986	\$3,346,227	\$1,812,278	852,385	5,114,984
12360	Dollar amount of criminal court ordered restitution	\$1,142,158	\$2,944,215	\$965,683	283,123	2,079,043
12362	Dollar amount of finds ordered	\$40,828	\$40,694	\$31,421	8,729	89,628
12363	Dollar amount of civil monetary penalty ordered	\$32,000	\$351,828	\$353,213	285,938	1,308,525
12365	Dollar amount of investigation/prosecution costs ordered	\$6,000	\$9,490	\$60,269	46,000	43,500
12367	Dollar amount of administrative restitution ordered	\$84,151	\$24,000	\$401,692	228,595	1,594,288
12369	Total judgment balance outstanding at end of the fiscal year - all sources	\$13,247,543 <sup>2</sup>	\$15,734,794 <sup>3</sup>	\$16,784,961 <sup>4</sup>	16,939,291 <sup>5</sup>	Not Available <sup>6</sup>

<sup>1</sup> As of June 30, 1997

<sup>2</sup> As of June 30, 1998

<sup>3</sup> As of June 30, 1999

<sup>4</sup> As of June 30, 2000

<sup>5</sup> As of June 30, 2001

<sup>6</sup> This information is no longer tracked.